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 Counsel for Debtor-Plaintiff

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF UTAH**

In re: <b>GUILLERMINA SALAZAR</b>	:	Bankruptcy No. 16-29028 KRA
	:	Chapter 7
	:	
	:	
Debtor	:	Adv. Proc. No.: 17-02005
	:	
	:	
EDUARDO VALADEZ,	:	
	:	
Plaintiff	:	
v.	:	
	:	
GUILLERMINA SALAZAR	:	
	:	Judge Kevin R. Anderson
Defendant.	:	
	:	

**DEFENDANT'S ANSWER**

Defendant Guillermina Salazar, by and through counsel, hereby answers the Complaint as follows:

1. Admit.
2. Admit.
3. Admit.
4. Admit.

*Defendant's Answer*

5. Admit.
6. Admit.
7. Defendant lacks sufficient information or knowledge to admit or deny, therefore denies allegations contained in paragraph number 7.
8. Defendant lacks sufficient information or knowledge to admit or deny, therefore denies allegations contained in paragraph number 8.
9. Deny.
10. Deny.
11. Defendant lacks sufficient information or knowledge to admit or deny, therefore denies allegations contained in paragraph number 11.
12. Deny.
13. Deny.
14. Deny.
15. Deny.
16. Deny.
17. Deny.
18. Defendant lacks sufficient information or knowledge to admit or deny, therefore denies allegations contained in paragraph number 18.
19. Defendant lacks sufficient information or knowledge to admit or deny, therefore denies allegations contained in paragraph number 19.
20. Defendant lacks sufficient information or knowledge to admit or deny, therefore denies allegations contained in paragraph number 20.
21. Deny.

- 22. Deny.
- 23. Deny.
- 24. Deny.
- 25. Deny.
- 26. No response necessary.
- 27. Deny.
- 28. Deny.
- 29. Deny.
- 30. Deny.
- 31. Deny.

#### **AFFIRMATIVE DEFENSES**

- 1. Plaintiff fails to state a claim upon which relief can be granted.
- 2. Plaintiff's claims are preempted by federal law, including but not limited to the federal bankruptcy code.
- 3. Plaintiff's loss, if any, is result of intervening cause.
- 4. Plaintiff's loss, if any, is the result of supervening cause.
- 5. Plaintiff's damages, if any, are caused by Plaintiff's own conduct, or by the conduct of its agents, representative, and consultants.
- 6. Plaintiff failed to mitigate its own damages, if any.
- 7. Plaintiff's request for attorney's fees is not supported by law.
- 8. Plaintiff has failed to plead fraud with particularity.
- 9. Plaintiff has failed to join an indispensable party.
- 10. Defendant acted in good faith.

11. Plaintiff failed to act in a commercially reasonable manner.
12. Plaintiff's contract fails for lack of consideration.
13. Any other defense merited by the facts as revealed in discovery, which Defendant respectfully requests the right to include.

WHEREFORE, Defendant requests the Court dismiss the Plaintiff's claims with prejudice, and, pursuant to 11 U.S.C. §523(d), award Defendant his attorney's fees and costs incurred in defending against this claim that is not substantially justified in law and in fact.

DATED: March 1, 2017

/s/ Andrew T. Curtis

Andrew T. Curtis  
LINCOLN LAW, LLC  
Counsel for Debtor-Defendant

**CERTIFICATE OF SERVICE**

Under penalty of perjury, I do hereby certify that on March 1, 2017, I filed a copy of the foregoing **Defendant's Answer** with the United States Bankruptcy Court for the District of Utah. A copy was sent via the Court's ECF system to the following parties:

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Attorney for Plaintiff

Dated: March 1, 2017

/s/ Andrew T. Curtis